

DOCUMENT RESUME

03271 - [A2232354]

[Untimely Protest against Rejection of Low Bid]. B-189581.
August 8, 1977. 1 pp. + enclosure (1 pp.).

Decision re: Lengor, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law 7.

Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).

Organization Concerned: Department of the Navy.

Authority: 4 C.F.R. 20.2 (b) (2).

Alleged low bidder objected to the agency's decision not to award them a contract. Since the protest was not filed within 10 working days after the protester was told by the contracting activity that their low bid would not be accepted for award, the protest was untimely and was not considered on its merits. (Author/SC)

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W.D. MacArthur
Proc. I

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-189581

DATE: August 3, 1977

MATTER OF: Lengor, Inc.

DIGEST:

Where protest is not filed with GAO within 10 working days after protester was told by contracting activity that its low bid would not be accepted for award, protest is untimely filed and is not for consideration.

Lengor, Inc., reportedly submitted the low bid on Department of the Navy invitation for bids No. N00024-77-B-4238. In response to an invitation modification advising bidders of changes made in the specification, Lengor notified the contracting activity "approximately a few days after the April 5 [bid opening] * * * date" that there would be "no increase in cost" to the original bid it had already submitted. By letter of June 2, 1977, the contracting activity advised Lengor that its bid would not be accepted for award. Lengor protested the decision to not award it the contract to our Office by letter received on July 12, 1977.

It is provided at 4 C.F.R. § 20.2(b)(2) (1977) in our Bid Protest Procedures that:

"(2) In cases other than those covered in subparagraph (1), bid protests shall be filed not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier."

Since it is apparent that Lengor knew more than 10 working days prior to its protest to our Office that its bid would not be accepted for award by the contracting activity, we must consider the protest as untimely filed with our Office and therefore not for consideration.

Paul G. Dembling
Paul G. Dembling
General Counsel



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

W.D. Hasbrouck
Proc. I



OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO:

B-189581

August 8, 1977

The Honorable Marjorie S. Holt:
House of Representatives

Dear Mrs. Holt:

Regarding your July 14, 1977, letter requesting that you be advised as to the status of the Lengor, Inc., protest under Naval Sea Systems Command invitation for bids No. N00024-77-B-4238, we are enclosing a copy of our decision of today wherein we decline to entertain the protest as it was not timely filed with our Office.

Sincerely yours,

Paul G. Deabling
Paul G. Deabling
General Counsel

Enclosure